

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

IN RE MASSEY ENERGY CO.
SECURITIES LITIGATION

CIVIL ACTION NO. 5:10-cv-00689
Consol. with (5:10-cv-00776)

ORDER

This Court has reviewed the *Motion of the United States of America to Continue the Stay of Discovery Previously Entered by the Court in This Civil Action* (Document 164), wherein the Government requests that discovery be stayed “until the earlier of July 15, 2013, or the conclusion of the United States’ criminal investigation of conduct relating to the subject matter of this Civil Action.” In support of its request, the Government asserts that it “has made significant progress in the Criminal Investigation since” July, 2012; that it has “secure[d] the cooperation of certain witnesses critical” to its investigation resulting in a “large volume of additional documents [that] allowed it to identify other witnesses of significance to its investigation.” The Government further asserts that these “new sources of information will allow it to substantially advance its investigation in the coming months[]” and that the parties to this action “do not oppose this motion.”

Given the length of the stay of discovery that has been previously extended in this case, the Court is not inclined to find, based on the representations made in the motion, that an additional six-month stay is warranted. Therefore, after careful consideration and for reasons appearing to the Court, the Court does hereby **ORDER** that *Motion of the United States of America to Continue*

the Stay of Discovery Previously Entered by the Court in This Civil Action (Document 164), be

GRANTED IN PART. The Court further **ORDERS:**


1. The Discovery Stay imposed in this case on September 28, 2011, in the Court's Order Granting Plaintiffs' Motion to Partially Lift the PSLRA Discovery Stay (Document 128), and continued on July 9, 2012 (Document 154) **SHALL CONTINUE** until the earlier of April 15, 2013 or the conclusion of the Government's Criminal Investigation;

2. The Clerk of Court is directed to stay this action and place the same on the inactive docket pending further order of the Court; and

3. All scheduling dates and deadlines remain **HELD IN ABEYANCE**.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and to any unrepresented party.

ENTER: January 17, 2013


IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA